IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

:JUDGMENT:

Maharana Pratap University of Agri. & Tech. Vs. The Judge, Labour Court and Anr.

D. B. Civil Special Appeal (W) No.1472/2006 under Section 18 of the Rajasthan High Court Ordinance read with Article 225 of the Constitution of India read with Rule 134 of the Rajasthan High Court Rules against the judgment and order dated 1.7.2003 passed in S. B. Civil Writ Petition No.2179/2001.

Date of Judgment ::: February 8, 2007

PRESENT

Hon'ble Justice Mrs. Gyan Sudha Misra
Hon'ble Justice Mr. K. C. Sharma

Mr. Pyare Lal, for the appellant.

By the Court:

This appeal has been preferred against the order of the learned Single Judge who has been pleased to uphold the award of the labour court which was based on the compromise, which the appellant had entered into with the respondent-workman. The petitioner/appellant herein in spite of having compromised the matter before the labour court, filed a writ petition challenging the award which has been dismissed.

After passage of 1179 days, which is more than three years, this appeal has been filed before this court and it has been submitted that the appellant-University was not aware of the dismissal of the writ petition before the learned Single Judge and, therefore, this huge delay of more than three years has taken place in filing this appeal.

Although we are not satisfied with this explanation offered by the appellant's counsel in filing the appeal with such a huge delay, we deemed it appropriate to permit the counsel to address us on the merit of the matter also in the interest of justice to the parties.

It was submitted that the labour court should not have passed the award on the basis of the compromise as the labour court was legally bound to decide the reference on merit.

While there can be no quarrel with the legal proposition that the dispute has to be decided in terms

of reference, the fact cannot be ignored that the appellant, who was respondent before the labour court, agreed to the initiation and disposal of dispute on the basis of certain terms and conditions which were incorporated in the compromise petition which was acted upon. After having given its consent to the compromise and acting upon the same, it was not open for it to challenge the said award by filing a writ petition before the learned Single Judge. We, therefore, agree with the view taken by the learned Single Judge who had been pleased to dismiss the writ petition refusing to interfere with the award, which was based on the compromise made consciously.

We, thus, find no substance in this appeal and hence it stands dismissed on merit as also on the ground of delay and latches.

[**K. C. Sharma**],**J.** [**Gyan Sudha Misra**],**J.**

/skm/